



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

me

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,515	06/26/2003	Brett Error	32021-07132	9313
758 7590 02/21/2007 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER FRITZ, BRADFORD F	
			ART UNIT 2141	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/608,515

Applicant(s)

ERROR ET AL.

Examiner

Bradford F. Fritz

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/1/05 and 7/21/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1, 3, 11, 18, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 1 and 18 recite the limitation "the client". There is insufficient antecedent basis for this limitation in the claim.
4. Claims 3 and 19 recite the limitation "the requestor's address". There is insufficient antecedent basis for this limitation in the claim.
5. Claim 11 recites the limitation "the session end". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2141

7. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Glommen et al. (6,766,370), hereinafter referred to as Glommen.

8. Regarding claims 1 and 18, Glommen disclosed a method comprising the steps of: a.) receiving a request for a resource (column 8, lines 35-45); b.) determining whether the request for the resource includes a visitor identifier (column 8, lines 35-45 and Fig. 7); c.) responsive to the request not including the visitor identifier: assigning a new visitor identifier (column 8, lines 45-57); and sending a redirection request with the new visitor identifier to the client (column 8, lines 18-35); d.) categorizing data sent with the request for the resource (column 9, lines 22-35); and e.) repeating steps a-d until reaching a session expiration (column 8, lines 35-45 and Fig. 7).

9. Regarding claims 3 and 19, Glommen disclosed a method comprising the steps of: a.) receiving a request for a resource from a requestor (column 8, lines 35-45); b.) determining whether the request for the resource included a do not repeat indicator (column 9, lines 7-22); c.) responsive to the request including the do not repeat indicator (column 9, lines 7-22), assigning a visitor identifier from the requestor's address (column 9, lines 22-35); d.) categorizing data received with the request for the resource (column 9, lines 22-35); and e.) repeating steps a-d until reaching a session expiration (column 8, lines 35-45 and Fig. 7).

10. Regarding claim 11, Glommen disclosed a device comprising: a communication interface for receiving a request for a resource and sending a visitor identifier (column 8, lines 35-45); a cookie handler coupled to the communications interface for testing the request for the resource and assigning the visitor identifier (column 6, lines 44-67 and

Fig. 2); a session controller coupled to the cookie handler for signaling the session end for a particular visitor identifier (column 9, lines 22-35); and, a repository for storing data sent with the request for the resource (column 6, lines 44-67 and Fig. 2).

11. Regarding claim 14, Glommen disclosed a method comprising the steps of: sending a request for a resource to a data collection server (column 7, lines 9-15); in response to the request not including a visitor identifier: receiving a new visitor identifier and a redirection request from the data collection server (column 8, lines 18-35); sending the request for a resource with the new visitor identifier to the data collection server; and, receiving the requested resource (column 8, lines 18-35).

12. Regarding claim 16, Glommen disclosed a method comprising the steps of: sending a request for a resource to a data collection server (column 7, lines 9-15); in response to the request not including a visitor identifier: receiving a do not repeat indicator and a redirection request from the data collection server (column 9, lines 7-22); sending the request for a resource with the do not repeat indicator to the data collection server; and, receiving the requested resource (column 8, lines 18-35 and column 9, lines 7-22).

13. Regarding claims 2, 4, 6, 8, 12, 15, 17, and 20 Glommen disclosed a method wherein the visitor identifier comprises a cookie (column 9, lines 22-35).

14. Regarding claim 5, Glommen disclosed a method wherein determining whether the request for the resource included a visitor identifier further comprises the steps of: comparing the visitor identifier with a range of valid visitor identifiers (column 8, lines 35-45 and Fig. 7); and, in response to the visitor identifier being outside the range of valid

Art Unit: 2141

visitor identifiers, indicating that the request did not include the visitor identifier (column 8, lines 18-35 and Fig. 7).

15. Regarding claim 7, Glommen disclosed a method wherein categorizing data received with the request for the resource comprises the steps of: categorizing the data received with the request for the resource by at least one selected from the group consisting of a visitor identifier, a page identifier, and a time stamp (column 9, lines 22-35 and Fig. 8).

16. Regarding claim 9, Glommen disclosed a method wherein step e.) comprises: repeating steps a-d for a predetermined amount of time (column 8, lines 35-45 and Fig. 7).

17. Regarding claim 10, Glommen disclosed a method wherein step e.) comprises: repeating steps a-d until receiving a particular request for a resource (column 8, lines 35-45 and Fig. 7).

18. Regarding claim 13, Glommen disclosed a device where a cookie handler for testing the requested for the resource and creating the visitor identifier further comprises: a means for sending a do not repeat indicator associated with the visitor identifier (column 9, lines 7-22), coupled to the communication interface (column 9, lines 7-22); and, a means for checking whether the do not repeat indicator is present in the request for the resource, coupled to the communication interface (column 8, lines 35-45 and Fig. 7).

Conclusion

Art Unit: 2141


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BF

BF


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER